

E N D O R S E M E N T

KEVIN KILELEE v. DOW CHEMICAL COMPANY
04-CV-12130-MEL

LASKER, D.J.

Kevin Kilelee ("Kilelee") moves for leave to file an amended complaint.

On December 22, 2004, the Court granted Dow Chemical's motion to dismiss due to Kilelee's tardiness in filing an opposition. On January 13, 2005, the Court denied Kilelee's prior motion to file an amended complaint, on the grounds that it was submitted after the case was closed and was therefore moot. The Court denies the current motion on the same grounds. Should the plaintiff wish to file an amended complaint, he must first move to reopen the case.

Accordingly, the plaintiff's motion for leave to file an amended complaint is DENIED without prejudice.

It is so ordered.

February 8, 2005
Boston, Massachusetts



/s/ Morris E. Lasker
U.S.D.J.